

UNITED STATES DISTRICT COURT

Jury demand date: Granted by Court on 1-8-68

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS					
WAYLAND SMITH				For plaintiff:					
vs				Files, Mahan & Wilson					
EDWIN L. COX, JAKE L. HAMON AND ROSMO				Pawhuska, Oklahoma 74056					
OIL COMPANY									
Defendants and 3rd									
Party Plaintiffs									
vs									
Granger Electric, Inc. a corp.									
Third Party Defendant				For defendant:					
				Green, Feldman & Hall					
				316 Enterprise Building					
				Tulsa, Oklahoma 74103					
				Arthur Meyer					
				213 Pythian Building 207 NE Washington					
				Tulsa, Oklahoma 74103 Blvd, Bartles-					
				ville, Okla					
				74003					
STATISTICAL RECORD		COSTS		DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed 7-5-67		Clerk		1967					
				6-15	Hall	15 00		15 00	
				6-22	CD 54				
J.S. 6 mailed 6-1-68		Marshal							
Basis of Action:		Docket fee							
Damage to real estate and cattle		Witness fees							
Action arose at:		Depositions							
Barnsdall, Oklahoma									

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-15-67	Petition for Removal from the District Court of Osage County, Okla, filed. ds	
6-15-67	Bond on Removal, filed. Edwin L. Cox, Jake L. Hamon and Rosmo Oil Company, principals, The Aetna Casualty & Surety Co of Hartford, Conn. Surety, in the sum of \$500.00. ds	
6-15-67	Notice of filing of petition and bond for removal by defendants, filed. ds	
6-15-67	Defendants Answer, filed. ds	
6-15-67	Third Party Complaint, filed. Summons issued. ds	
6-19-67	Acknowledgment of the Clerk of the District Court in and for Osage County, Oklahoma, of receipt of copy of the Notice, Petition, and Bond of Removal, filed. b	
6-23-67	Return on Third party summons, filed. Served Granger Electric, Inc. by serving Geraldene Turk, Secy of Granger Electric, Inc. at Dewey, Oklahoma, on 6-21-67. \$15.00. ds	
7-10-67	Application of third-party defendant, Granger Electric, Inc., for enlargement of time, filed. b	
7-10-67	Order granting third-party defendant until July 25, 1967 within which to plead or answer, filed. (Noble C. Hood, Clerk) b	
7-10-67	Application of plaintiff for leave to file an amended petition, filed.	
7-10-67	Order granting plaintiff leave to file an amended complaint, entered. e	
7-25-67	Third party defendant, Granger Electric, Inc. answer to third party complaint, filed. ds	
7-31-67	Amended petition (complaint) filed. e Summons Issued for Granger Electric, Inc.	
8-1-67	Amended Answer of defendant, filed. e	
8-15-67	Summons returned, filed - served Granger Electric, Inc., by serving Jeff L. Kindall, Service Agent, at Oklahoma City, Okla., on 8-14-67 (Fee \$4.72) b	
8-18-67	Answer of Third Party defendant to amended petition of plaintiff filed. h	
8-25-67	Reply to defendants' amended answer filed. h	
10-19-67	Case tried to a jury on October 19 and 20, 1967. Jury returns with verdict finding defendant, Grover Spurgeon	
11-29-67	Case set for pre-trial hearing on 1-9-68 at 1:30 P.M. (AEB-J) h	
1-4-68	Application of Bert McElroy, for leave to withdraw as counsel, filed. ds	
1-4-68	Case reset for pre-trial hearing on 1-8-68, at 1:30 P.M. (AEB-J) ds notices mailed	
1-5-68	Order, granting application of Bert McElroy to withdraw as counsel and the name of Arthur Meyer substituted as counsel for Granger Electric, Inc. (AEB-J) ds	
1-8-68	Application for Leave to file amended petition, filed by plaintiff. ds	
1-8-68	Pre-trial hearing held, plaintiff granted leave to file amended petition in open Court. Plaintiff directed to prepare pre-trial order within 10 days and defendant 10 days to approve and file it. Case set for jury trial on Monday, February 5, 1968 at 9:30 A. M. (Allen E. Barrow-Judge) (Larry Marks - CSR) b	
1-8-68	Amended petition, filed in open court. b	
1-9-68	Depositions of witness, Lee Gross, on behalf of plaintiff and Wayland Smith on behalf of defendant and third party plaintiff, taken on 11-10-67, before Larry E. Marks, NP and CRS, filed. ds	
1-16-68	Case set for jury trial on Wednesday, Feb. 7, 1968 at 10 A.M. (AEB-J) g	
1-22-68	Pre-trial order filed. (AEB-J) ds	
1-31-68	Plaintiff's requested instructions filed. h	
1-31-68	Plaintiff's trial brief filed. h	
1-31-68	Defendants' Requested instruction, filed. w	
1-31-68	Trial Brief of defendants re measure of damages, filed. w	
2-16-68	Order directing Plaintiff to make application for intermentary appeal, filed and entered (AEB-J) xxx	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-7-68	Case stricken from the docket of this date and reset for jury trial on Monday, 2-12-68 at 9:30 A.M. (AEB-J)h	
2-12-68	Case called for trial. Parties represented. Jury empaneled. Witness testifies, and with introduction of plaintiff's exhibit # 2, a question of law arose. Conference held between court and counsel apart from jury. Upon the courts announcement of his contention of the law, the plaintiff petition the court for leave to offer proof and permission for interlocutory appeal. The defendant objected to offer a proof for the reason that a written lease (Plaintiff's exhibit # 2) was admitted into evidence and that defendant was bound by the written lease. The court sustained the defendant's objection and granted the plaintiff leave to perfect and docket the interlocutory appeal. Jury released from the case and excused. (AEB-J)h	
2-16-68	Order Directing Plaintiff to make Application for Interlocutory Appeal, filed and entered. (AEB-J)w	
5-1-68	Ordered by the Court that this case is set for Jury Trial on Monday, May 13, 1968 at 9:30 a.m. (AEB-J)w	
5-13-68	Plaintiff's motion to dismiss, filed. g	
5-13-68	Order sustaining motion to dismiss, filed & entered. (AEB-J)g	
5-13-68	Case called for trial. Court orders that case is hereby dismissed as per order to be filed, and case stricken from jury docket. (AEB-J)h	

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